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11 Sun Microsystems, Inc.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 NETWORK APPLIANCE, INC.,

17 Plaintiff-Counterdefendant,

18 v.

19 SUN MICROSYSTEMS, INC.,

20 Defendant-Counterplaintiff.  
21

CASE NO. C-07-6053 EDL

**STIPULATED DISMISSAL WITHOUT  
PREJUDICE AND [PROPOSED] ORDER**

22  
23 Plaintiff-Counterdefendant NetApp, Inc. and Defendant-Counterplaintiff Oracle America,  
24 Inc. (formerly Sun Microsystems, Inc.), by and through their attorneys, hereby stipulate and agree  
25 that this action is hereby **DISMISSED WITHOUT PREJUDICE** in its entirety, each party to  
26 bear its own fees and costs.

1 Dated: September 8, 2010.

WEIL, GOTSHAL & MANGES LLP

2  
3 By /s/ Edward R. Reines

4 MATTHEW D. POWERS

5 EDWARD R. REINES

6 JEFFREY G. HOMRIG

7 JILL J. HO

8 Attorneys for Plaintiff and Counter-defendant  
9 NETAPP, INC.

10 Dated: September 8, 2010

DLA PIPER LLP (US)

11 By /s/ Mark D. Fowler

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19 ORACLE AMERICA, INC.

20 **ORDER**

21 IT IS HEREBY ORDERED THAT this action is dismissed without prejudice in its  
22 entirety and that each party will bear its own fees and costs.

23 DATED: September \_\_\_\_, 2010

24 HONORABLE ELIZABETH D. LAPORTE  
25 United States Magistrate Judge